

**Ordinance Committee Meeting
Thursday, December 10, 2009 at 6:30 PM**

- Responsible Employer and Purchasing Ordinance Revision
- Ordinance for Building Commission for non school projects
- Chapter 80-2.1 Project Supervisor
- Golf Revolving Fund - Pro Shop Inventory
- Miscellaneous Traffic
- Minutes



CHICOPEE CITY COUNCIL
ORDINANCE COMMITTEE

APPROVED 2-9-10

MEMBERS

James Tillotson, Chairman
George Moreau, Vice-Chairman
Donald Demers
John Vieau
Robert J. Zygarowski

MINUTES
December 10, 2009

The following are the minutes of a public hearing held Thursday, December 10, 2009 at 6:30 PM in the City Council Chambers, Fourth Floor, City Hall Annex, 274 Front Street, Chicopee, MA 01013.

Members Present: Tillotson, Demers, Vieau, Zygarowski, Moreau

Also Present Daniel Garvey (Associate City Solicitor), Golf Commissioners, Councilor Brunetti, Councilor Swider, Brian Salamon (Purchasing Agent), Tom DiRico (Temp Golf Director)

The meeting was called to order at 6:30 PM

ITEM #1

GOLF REVOLVING FUND – PRO SHOP INVENTORY

BE IT ORDAINED by the City Council for the City of Chicopee, that Chapter 44, Section 53E ½ entitled, "Revolving Funds" be and hereby is accepted for the purpose of establishing a golf pro shop inventory revolving fund.

Said authorization shall be for the fiscal year 2010, in accordance with the provisions of said enactment and further that the programs, purpose and funding are identified as follows:

Programs Golf Pro Shop Inventory
Purpose Replacement of inventory
Receipts Revenues sufficient to cover replacement costs of inventory sold
Expenditures The Golf Commission is hereby authorized to expend directly from the revolving fund.
Limit of Expenditures All funds received may be expended for the purpose of this ordinance during the year of operation.

All provisions of Chapter 44, Section 53E ½ shall be applicable to this ordinance.

The committee asked how much money is needed to start the account. Tom DiRico answered \$15,000.00. Councilor Vieau asked how much existing inventory is left. Tom replied there is no inventory.

Motion made by Councilor Zygarowski to approve.
Committee vote 5 – 0 favorable.

ITEM #2

CHAPTER 82

[HISTORY: Adopted by the Board of Aldermen of the City of Chicopee as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

§ 82-1 Title.

A. This article is an ordinance establishing a Department of Purchases in the administrative service of the City of Chicopee, creating the office of City Purchasing Agent, setting forth the powers and duties of the City Purchasing Agent, establishing purchasing procedures and prescribing penalties for the violation of its provisions.

B. This article shall be known and may be cited as the "Purchasing Ordinance of the City of Chicopee."

§ 82-2 Department of Purchases established. Adoption of the General Laws, Sound Business Practices.

There is hereby established in the administrative service of the City of Chicopee the Department of Purchases and, in said Department, the office of City Purchasing Agent.

- A. The City shall comply with M.G.L. Chapter 30B, as it may hereafter be amended, in the procurement and surplus disposition of those items to which said law applies, including the acquisition and disposition of Real Estate. Procurement and surplus disposition of items not subject to M.G. L. Chapter 30B shall be undertaken in accordance with the applicable statutes within which they fall, including M.G.L. Chapter 30 § 39M, Chapter 149 and Chapter 7 §§ 38A1/2 to 38O.
- B. The City shall exercise sound business practices for all purchases.

§ 82-3 City Purchasing Agent.

A. DUTIES

The City Purchasing Agent shall be the head and shall have general supervision of the Department of Purchases. He shall have all the powers and duties prescribed by this chapter. The City Purchasing Agent shall be the Chief Procurement Officer for the City as required by M.G.L. Chapter 30B.

B. SPECIFICATIONS.

(1) Appointment. The Purchasing Agent shall be appointed by the Mayor and confirmed by the City Council. .

(2) Term of office. The term of office shall expire January 1, 1975. Subsequent terms of office shall be for a period of six (6) years.

(3) Experience requirements. The Purchasing Agent shall have had, prior to his appointment, at least five (5) years' experience in purchasing in a position of major responsibility such as purchasing agent, assistant purchasing agent, buyer or similar grade with public or business enterprises which operate on justified requisitions based on store control with perpetual inventories of stock on hand. He shall also have had a bachelor's degree from a four-year accredited college or university, preferably with a major in business administration, economics, commerce or some field of business.

(4) In the absence, inability to serve, removal, resignation or death of the Purchasing Agent, the Mayor shall designate the person who shall carry out the duties of the Purchasing Agent until his return or until his successor shall have been appointed, such appointment to be for the unexpired term of the Purchasing Agent.

Comment [MSOffice1]: Jim, I don't know how you want to handle this as it seems to be in conflict with the temporary appointment language that has been developed for other position.

(5) Bond. The City Purchasing Agent shall furnish bond for the faithful performance of his duties in a sum to be determined by the Mayor.

(6) Additional employees.

(a) There shall be established additional employees of the Central Purchasing Agency as follows:

[1] One (1) senior clerical assistant who shall be appointed by the Mayor and whose term of office shall be for a period of four (4) years.

Comment [MSOffice2]: I believe this position is now called the Assistant Purchasing Agent and is a union position. I will seek clarification on this.

[2] There may be Two (2) additional clerical assistants..

[3] One (1) Assistant Purchasing Agent who shall be appointed by the Mayor for a term of five (5) years and shall furnish bond for the faithful performance of his duties in a sum to be determined by the Mayor. The Assistant Purchasing Agent shall be under the direct supervision of the Purchasing Agent. He shall have at least two (2) years experience in purchasing with either public or private enterprises.

Comment [MSOffice3]: See above. Brian can you confirm staffing and whether they are all in the union.

(b) The persons employed in the positions described herein shall be under the direct supervision of the Purchasing Agent.

C. POWERS AND DUTIES OF PURCHASING AGENT

(1) Be responsible for the procurement and disposal of all supplies, materials, equipment and property for all departments and offices of the City, including contracts for construction, reconstruction or alteration of City buildings or property and any services incident thereto and all laws covered under the Uniform Procurement Act, M.G.L. Chapter 30 § 39M, Chapter 30B, Chapter 7 §§ 38A1/2 to 38O and Chapter 149. It shall be the responsibility of the Purchasing Agent to assure that all procurements subject to these statutes are conducted in accordance therewith.

Have authority to order or make inventories of the supplies, materials, equipment and furnishings of any department. Any department possessing excess or surplus personal property of any kind shall not sell, exchange, transfer or dispose thereof without first certifying such personal property as surplus to the Purchasing Agent; and, thereupon, the Purchasing Agent shall circularize all departments as to their needs for such surplus personal property, and if such need is determined, the Purchasing Agent may order transfer of such property from one department to another.

If the value of property to be disposed of is estimated to be more than \$5000.00, the Purchasing Department shall advertise for bids in a daily paper having a general circulation in the City for at least 2 consecutive weeks and shall award the sale of such property to the highest responsible bidder. If it is in the best interest of the City, the Purchasing Agent may reject any and all bids. When the value of the property to be sold is less than \$5000.00, the Purchasing Agent may, without advertising, dispose of the property in the best manner, using sound business practices.

All disposition of surplus property shall first be subject to a vote of the City Property Committee prior to the Purchasing Agent acting thereupon.

(2) Encouraging competitions. He shall discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases and sales.

(3) Rules and regulations. He shall establish reasonable regulations and policies, not inconsistent with the statutes and this ordinance to carry out the duties of the office.

(4) Purchasing analysis. He shall keep informed of current developments in the field of purchasing, prices, market conditions and new products and secure for the city the benefits of research done in the field of purchasing by the Massachusetts Office of the Inspector General.

(5) Forms. He shall prescribe and maintain such forms as he shall find reasonably necessary to the operation of this chapter, provided that all such forms shall have the approval of the City Auditor prior to their enforcement.

(6) Standard nomenclature. He shall prepare and adopt a standard purchasing nomenclature for using agencies and suppliers.

(7) Vendors' catalog file. He shall prepare, adopt and maintain a vendors' catalog file. Said catalog shall be filed according to materials and shall contain descriptions of vendors' commodities, prices and discounts.

Comment [MSOffice4]: Brian, is this relevant?

(8) Bulk purchase. He shall explore the possibilities of buying in bulk so as to take full advantage of discounts.

(9) Federal tax exemptions. He shall act so as to procure for the city all federal tax exemptions to which it is entitled.

(10) Cooperation with Auditing Department. He shall cooperate with the City Auditor so as to secure the maximum efficiency in budgeting and accounting.

(11) Disqualification of bidders. He shall have the authority, with the concurrence of the Mayor, to declare vendors who default on their quotations irresponsible bidders and to disqualify them from receiving any business from the municipality for a stated period of time.

§ 82-4 Purchasing through Department required.

Except as herein provided or as may be specifically authorized by the Purchasing Agent or as specifically exempt under provisions of the laws of the commonwealth, it shall be unlawful for any city employee or official to purchase any supplies or services other than through the Purchasing Department and in accordance with this chapter.

§ 82-5

A. There is hereby established in the administrative service of the City of Chicopee a standardization and specification process.

Comment [MSOffice5]: Brian, please review for relevancy

B. Process. In cooperation with the relevant department heads or their designees, the Purchasing Agent shall establish standards and specifications for the City of Chicopee.

C. Duties of Purchasing Agent. It shall be the duty of the Purchasing Agent:

(1) Classification: to classify all the supplies used by the various branches of the city government.

(2) Standardization: to establish as standards the minimum number of quantity, sizes and varieties of supplies consistent with the successful operation of the city government.

(3) Specifications: to assist in the preparation and approve all written specifications .

(4) Circulation: to make available to any interested party copies of such classifications, standardizations and specifications.

D. Effect of establishment. After its establishment, each standard specification shall, until revised, apply alike in terms and effect to every future purchase and contract for the supply described in such specifications; however, the Agent shall have the authority to exempt any using agency of the city if requested to do so for a valid purpose in writing by the head of the using agency.

E. Consultation with using agencies. The Agent shall consult with heads and other officials of the using agencies to determine their precise requirements and shall endeavor to prescribe those standards which meet the needs of the majority of such agencies.

F. Nature of specifications. All specifications shall be definite and certain and shall permit competition; provided, however, that the provisions of this subsection shall not apply to noncompetitive types and kinds of supplies

§ 82-6 Conflict of interest.

A. The provisions of the Conflict of Interest Statute, MGL C. 268A, and Section 59 of the City Charter of the City of Chicopee shall prevail in matters pertaining to the conduct of city employees.

B. Gifts and gratuities. The Purchasing Agent and every officer and employee of the city are expressly prohibited from accepting, directly or indirectly from any person, firm, corporation or organization to which any purchase order or contract is or might be awarded any rebate, gift or anything of value whatsoever, except where given for the use or benefit of the City of Chicopee.

§ 82-7 Construction Contracts

This section shall apply to all vertical construction projects awarded by the City of Chicopee.

1. The general contractor and all subcontractors under the general contractor shall make a good faith effort to employ local workers when qualified local workers are available for work.

2. The general contractor and all subcontractors under the general contractor must comply with the obligations established under M.G.L. c. 149 to pay the appropriate lawful prevailing wage rates to their employees.
3. The general contractor and all subcontractors under the general contractor must maintain appropriate industrial accident insurance coverage for all the employees on the project in accordance with M.G.L. c. 152.
4. The general contractor and all subcontractors under the general contractor must properly classify employees as employees rather than independent contractors and treat them accordingly for purposes of workers' compensation insurance coverage, unemployment taxes, social security taxes, and income tax withholding. (See M.G.L. c. 149, §148B on employee classification).
5. Bids submitted by all general contractors whose total bid exceeds Two Million Dollars \$2,000,000.00 and all subcontractors whose total filed sub bid under M.G.L. Chapter 149 Section 44F exceeds Five Hundred Thousand \$500,000.00 shall at the time of bidding maintain or participate in a bona fide apprentice training program as defined by M.G.L. c.23, §§11H and 11I for each apprenticeable trade or occupation represented in their workforce that is approved by the Division of Apprentice Training of the Department of Labor and Workforce Development ("Division") and must register all apprentices with the Division and abide by the apprentice to journeyman ratio for each trade prescribed therein in the performance of any work on the project. All general contractors and subcontractors shall provide a certificate of compliance from the Division as part of their bid submittal and periodically thereafter as determined by the City of Chicopee.
6. The general contractor and all subcontractors under the general contractor must at the time of bidding certify that all employees to be employed at the worksite will have successfully completed a course in construction safety and health approved by the United States Occupational Safety and Health Administration at the time the employee begins work. The general contractor and all subcontractors shall furnish documentation of successful completion at the time the employee begins work.
7. The general contractor and all subcontractors under the general contractor must at the time of bidding and throughout the duration of the construction contract

furnish, at their expense, hospitalization and medical coverage for all their workers at a level not less than that available through the Massachusetts Health Care Connector. For purposes of this hospitalization and medical coverage requirement, a general contractor or subcontractor may satisfy this requirement by providing proof acceptable to the City of Chicopee that any or all of their workers are a covered person under a medical and hospitalization plan provided by a parent, spouse, partner or otherwise with coverage at a level not less than that available through the Massachusetts Health Care Connector.

8. All general contractor and subcontractors under the general contractor who are awarded or who otherwise obtain construction contracts with the City of Chicopee shall comply with all of the above detailed obligation at the commencement of the contract and throughout full contract period
9. Any general contractor or subcontractor under the general contractor who fails to comply with the obligation detailed above shall be subject to any one or more of the following sanctions as determined by the Building Commission and Purchasing Agent with the concurrence of the Mayor: (1) cessation of work on the project until compliance is obtained; (2) withholding of payment due under any contract or subcontract until compliance is obtained; (3) permanent removal from any further work on the project; (4) liquidated damages payable to the City of Chicopee in the amount of 5% of the dollar value of the contract.
10. If any provision of this ordinance, or the application of such provision to any person, entity or circumstances, shall be enjoined or held to be invalid, the remaining provisions of this section, or the application of such section to persons or circumstances, other than that which is enjoined or held invalid shall be not affected thereby.

§ 82-8

A. The City of Chicopee shall conform to state standards in all bidding processes to conform to state statute MGL C. 30B, §§ 4, 5, 6 and 7, to allow for procurement contracts up to ten thousand dollars (\$25,000.) to be made without the requirement for formal, advertised bidding, but do require three (3) written quotations from at least three (3) suppliers.

B. Every contract shall provide that an item equal to that named or described in said specifications may be furnished. An item shall be considered equal to the item so named or described if it is at least equal in quality, durability, appearance, strength and design; it will perform at least equally the function imposed by the general design for the work being

Comment [MSOffice6]: Brian I suggest deleting most if not all of this as it is already contained in the state law and may in fact conflict in some areas

contracted for or material being purchased; and it conforms substantially, even with deviations, to the detailed requirements for the item in said specification.

C. Bidders' list. The Agent shall also solicit sealed bids from all responsible prospective suppliers who have requested their names to be added to a bidders' list, which the Agent shall maintain, by sending them a copy of such newspaper notice or such notice as will acquaint them with the proposed purchase or sale. In any case, invitation sent to the vendors on the bidders' list shall be limited to commodities that are similar in character and ordinarily handled by the trade group to which the invitations are sent.

D. Bid deposits. When deemed necessary by the Agent, bid deposits shall be prescribed in the public notices inviting bids. Unsuccessful bidders shall be entitled to return of surety where the Agent has required such. A successful bidder shall forfeit any surety required by the Agent upon failure on his part to enter a contract within thirty (30) days after the award. All such bid deposits or other security shall be deposited with the City Treasurer.

E. Bid opening procedure.

(1) Sealed. Bids shall be submitted to the Purchasing Agent and shall be identified as bids on the envelope.

(2) Opening. Bids shall be opened in public at the time and place stated in the public notices.

(3) Tabulation. A tabulation of all bids received shall be posted for public inspection.

F. Rejection of bids.

(1) The Agent shall have the authority to reject all bids, parts of all bids or all bids for any one (1) or more supplies or contractual services included in the proposed contract when the public interest will be served thereby.

(2) Bidders in default to city. The Purchasing Agent, with the concurrence of the Mayor, may not accept the bid of a contractor who is in default on the payment of taxes, licenses or other moneys due the city.

G. Award of contract.

(1) Authority of Purchasing Agent. The Agent shall have the authority to award contracts within the purview of this chapter.

(2) Lowest responsible bidder. Contracts shall be awarded to the lowest responsible bidder. In determining the lowest responsible bidder, in addition to price, the Purchasing Agent shall consider:

(a) The ability, capacity and skill of the bidder to perform the contract or provide the service required.

(b) Whether the bidder can perform the service required and provide the service promptly or within the time specified, without delay or interference.

(c) The character, integrity, reputation, judgment, experience and efficiency of the bidder.

(d) The quality of performance of previous contracts or services.

(e) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service.

(f) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service.

(g) The quality, availability and adaptability of the supplies or contractual services to the particular use required.

(h) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract.

(i) The number and scope of conditions attached to the bid.

(3) Award to other than low bidder. When the award is not given to the lowest bidder, a full and complete statement of the reason for placing the order elsewhere shall be prepared by the Purchasing Agent and filed with the other papers relating to the transaction.

(4) Tie bids

(a) Local vendors. If all bids received are for the same total amount or unit price, quality and service being equal, the contract shall be awarded to a local bidder.

(b) Outside vendors. Where Subsection G(4)(a) is not in effect, the Purchasing Agent shall award the contract to one (1) of the tie bidders by drawing lots in public.

(5) Performance bonds. The Purchasing Agent shall recommend to the Mayor the requirement for a performance bond, in accordance with the provisions of the City Charter of the City of Chicopee.

H. Prohibition against subdivision. No contract or purchase shall be subdivided to avoid the requirements of this section.

§ 82-9 Cooperative purchasing.

The Purchasing Agent shall have the authority to join other units of government (federal, state, county, municipal and municipal subdivisions, including such quasi-municipal agencies as water districts, sewer districts, etc.) in cooperative purchasing plans when the best interest of the city would be served thereby and such action is in accordance with and pursuant to law.

§ 82-10 Other duties of Agent.

The Purchasing Agent shall perform such other duties related to the functions, duties and authorities set forth herein as may be prescribed by the Mayor or any applicable state or local laws and ordinances.

§ 82-11 Annual report.

The City Purchasing Agent shall submit to the Mayor and the Board of Aldermen an annual report on the work of his office in carrying out the provisions of this article.

Public Input:

Steve Carrington
 Bob Berger
 Rocky Thompson
 Jon Avery

Motion made by Councilor Moreau to add the following that #5 under 82-7 be changed to include the following language after the work total "filed sub bid under M.G.L. Chapter 149 Section 44F".

Committee vote: 4 – 0 favorable 1 abstention – Councilor Demers

ITEM #3

BE IT ORDAINED that the City of Chicopee acting under the provisions of Massachusetts General Laws, as amended, and of any and every power and authority it thereunto enabling under its charter, hereby amends the Ordinances of the City of Chicopee by adding a new Section 82-17 as follows:

Responsible Employer Ordinance
 City of Chicopee

- A. All bidders and all subcontractors, including subcontractors that are not subject to MGL c. 149, 44F, when bidding for projects subject to MGL c. 49, 44A (2) and MGL c. 30, 39M, shall as a condition for bidding verify under oath and in writing at the time of bidding that they comply with the following conditions for bidding or subcontracting and, for the duration of the project, shall comply with the following obligations:
 - 1. The Bidder and all subcontractors under the bidder shall make a best faith effort to employ local workers when qualified local workers are available for work.
 - 2. The Bidder and all subcontractors under the Bidder must comply with the obligations established under MGL c. 149 to pay the appropriate lawful prevailing wage rates to their employees.
 - 3. The Bidder and all subcontractors under the Bidder must at the time of bidding maintain or participate in a bona fide apprentice training program as defined by MGL c. 23, 11H and 11I for each apprentice training trade or occupation represented in their workforce that is approved by the Division of Apprentice Training and the Department of Labor and Workforce Development and must register all apprentices with the Division and abide by the apprentice to journeyman ratio for each trade prescribed therein in the performance of any work on the project.
 - 4. The bidder and all subcontractors under the bidder must at the time of bidding furnish at their expense, hospitalization and medical benefits and/or coverage for all their mechanics and apprentices, teamsters, chauffeurs and laborers (as those employee classifications are used in MGL c. 149, 26) that it at least

- comparable in value to the hospitalization and medical benefits provided by the health and welfare plans in the applicable craft. The cost of providing such benefits shall be treated in accordance with the prevailing wage law.
5. The Bidder and all subcontractors under the Bidder must maintain appropriate industrial accident insurance coverage for all the employees on the project in accordance with MGL c. 152.
 6. The Bidder and all subcontractors under the Bidder must properly classify employees as employees rather than independent contractors and treat them accordingly for purposes of workers' compensation insurance coverage, unemployment taxes, social security taxes, and income tax withholding. (See MGL c.149, 148B on employee classification).
 7. The Bidder and all subcontractors under the bidder must at the time of bidding certify that all employees to be employed at the worksite will have successfully completed a course in construction safety and health approved by the United States Occupation Safety and Health Administration at the time the employee begins work. The bidder and all subcontractors shall furnish documentation of successful completion at the time the employee begins work. The bidder and all subcontractors shall furnish documentation of successful completion at the time of the employee begins work. Said course must be at least 10 hours in duration.
 8. The Bidder and all subcontractors under the Bidder must at the time of bidding furnish, at their expense, hospitalization and medical coverage for all their workers at a level not less than that available through the Massachusetts Health Care Connector.
- B. A bid submitted by any general bidder or by any subcontractor under the general bidder that does not comply with any of the foregoing conditions for bidding shall be rejected, and no subcontract for work outside the scope of MGL c.149, 44F shall be awarded to a contractor that does not comply with this ordinance.
 - C. All Bidders and subcontractors under the Bidder who are awarded or who otherwise obtain contracts on the projects subject to MGL c.149, 44A (2) or MGL c.30 39M shall comply with every one of the obligations numbered 1 through 8 set forth in paragraph A above for the entire duration of their work on the project, and an officer of each Bidder or subcontractor under the Bidder shall certify under oath and in writing on a weekly basis that they are in compliance with such obligations.
 - D. Any Bidder or subcontractor under the Bidder who fails to comply with any one of the obligations 1 through 8 as set forth in Paragraph A above for any period of time shall be, at the sole discretion of the City of Chicopee, subject to one or more of the following sanctions: (1) cessation of work on the project until compliance is obtained; (2) withholding of payment due under any contract or subcontract until compliance is obtained; (3) permanent removal from any further work on the project; (4) liquidated damages payable to the City of Chicopee in the amount of 5% of the dollar value of the contract.
 - E. In addition to the sanctions outlined in Paragraph D above, a general bidder or contractor shall be equally liable for the violations of its subcontractor(s) with the exception of violations arising from work performed pursuant by subcontractors that are subject to MGL c.149 44F. Any contractor or subcontractor that has been determined by the City of Chicopee or by any court or agency to have violated any of the obligations set forth in Paragraphs A and C above shall be barred from performing any work on any future

projects for six months for a first violation, three years for a second violation and permanently for a third violation.

- F. If any provision of this ordinance, or the application of such provision to any person, entity or circumstances, shall be enjoined or held to be invalid, the remaining provisions of this policy, or the application of such provisions to persons or circumstances, other than that which is enjoined or held invalid shall be not affected thereby.
- G. This ordinance does not apply to construction projects for which the low general bid was less than \$250,000.00; or to work performed pursuant to subcontracts that are subject to MGL c.149 that were bid for less than \$25,000.00; or to rebids for construction projects for which the City received fewer than three bids.
- H. The provisions of this ordinance shall not apply to construction projects for which the low general bid was less than \$250,000.00 or to work performed pursuant to subcontracts that are subject to MGL c.149 44F and that were less than \$25,000.00. These thresholds shall be adjusted every five years based on changes in the Consumer Price Index, rounded to the nearest \$5,000.00.

Motion made to defeat.

Committee vote: 4 – 0 favorable. Councilor Demers abstained.

ITEM #4

BE IT ORDAINED by the City Council that the Code of the City of Chicopee for the Year 1991, as amended, be and hereby is further amended as follows:

DELETE §16-42 through §16-48

ADD: the following §16-42 through §16-48

§ 16-42 Authority to Appoint; Purpose

There is hereby established authorization to appoint a Municipal Building Commission, whose duties shall be to oversee the construction and/or renovations of all municipal buildings erected under contract by the City of Chicopee. This section shall not apply to school building projects which shall be governed by §16-112 through §16-118,

§ 16-43 Projects requiring Commissions.

All municipal buildings constructed for use by the City of Chicopee or any of its departments or residents as well as any renovations to existing city owned buildings or municipal construction projects where the total contract price totals \$2,000,000.00 or more shall require the appointment of a Municipal Building Commission formed and empowered to act under the provisions of this article. Each such municipal project shall have a separate Municipal Building Commission.

§ 16-44 Composition.

No less than one month prior to the solicitation of request for proposal in connection with a bid for construction of any project requiring a Commission in accordance with

§ 16-43, the Mayor shall appoint a total of 17 members all of whom shall be subject to confirmation upon the affirmative vote of nine Councilors. The 17 members shall be selected as follows:

- (a) Nine members shall be selected on the basis of one resident from each ward as nominated by the Ward Councilor;
- (b) Four members shall be selected by Councilors at Large from any part of the City; and
- (c) Four members shall be selected by the Mayor from any part of the City.

Nothing herein shall prevent a department head, elected or appointed official or employee of the City from serving on the Commission as one of the 17 members, except that no member of the City Council shall, during the term of which he/she is elected, hold any other office in or under City government.

§ 16-45. Powers and duties.

- (a) As soon as practical after their appointment, members of the Municipal Building Commission shall hold an organizational meeting and elect a Chairman, Vice Chairman and Secretary, who shall be chosen by a majority vote of the members present and voting.
- (b) The Chairman or Vice Chairman shall have the duty of calling all regular meetings of the Commission upon 48 hours' notice posted according to law. His duties shall include presiding over meetings of the Commission and all functions traditionally given to a Chairman. In the absence of the Chairman, the Vice Chairman shall serve in that capacity. The Secretary shall record the minutes of each meeting and shall be responsible for transmitting all minutes and documents received by the Commission to the City Clerk upon the dissolution of the Commission. A special meeting of the Commission shall be called upon written request of nine members.
- (c) The Commission shall have the duty to oversee the municipal construction project and shall elect a Bills Committee, whose members shall review all incoming bills and vouchers and recommend approval for payment to the full Commission. An affirmative vote of nine members of the Commission shall be required for approval of the bills, and at least four members must sign the bills, which will then be presented to the City Auditor.

§ 16-46. Duration.

The Commission shall have the power to act from the time of its appointment and shall cease to exist, or any member shall be removed, upon one of the following conditions:

- (a) When the building or project is finally accepted by the City; or
- (b) Upon a direction or order of the Mayor, who shall then transmit the termination notice to the City Council. The procedure for termination under this section shall be held in accordance with § 16-47 of this article.

§ 16-47. Removal of members.

A person shall cease to be a member of the Municipal Building Commission upon removing his or her residence from the City of Chicopee or for any of the reasons specified in § 16-46. In the event that a person is to be removed, he or she shall be notified in writing by the Mayor and given the reasons for such removal. The person will, upon a request in writing, not later than seven days after receipt of such notice of removal, be given a hearing upon such reasons for removal, said hearing to be held by the City Council within 15 days from the request for said hearing. An affirmative vote of nine shall be required before the removal becomes final.

§ 16-48. Regulations to be distributed.

Each member of the Municipal Building Commission shall, upon appointment, be given a copy of this article and also a copy of MGL c. 30A, §§ 11A and 11A 1/2, and MGL c. 39, §§ 23A and 23B (Open Meetings Law).

Section 44 Composition will be worked on at a later date.

Committee vote 5 – 0 favorable.

ITEM #5

BE IT ORDAINED by the City Council that the Code of the City of Chicopee for the Year 1991, as amended, be and hereby is further amended as follows:

By adding Chapter 80-2.1

Project Supervisor

- A. The Public Utilities Division of the DPW shall have a Project Supervisor recommended by the Superintendent of Public Works, appointed by the Mayor, and subject to confirmation by seven (7) members of the City Council.
- B. The Project Supervisor shall be appointed for a term of five (5) years of which the first six (6) months shall be a probationary period.
- C. The Project Supervisor may be removed for cause by the Mayor, with the approval of seven (7) Members of the City Council, after a public hearing held by the Mayor, upon seven (7) day notice, in writing, at the residence, preferably in hand, setting forth the cause and time and place of the hearing.
- D. The Project Supervisor appointee pursuant to this Chapter shall not be subject to the provisions of civil service regulations.
- E. Qualifications shall include a Bachelors Degree from a four-year college in – Environmental Engineering or a related Science field. Applicants should have at least seven (7) years of related experience

in the bidding, construction, and supervision of sewer/rain, flood control, water pollution control abatement and public works projects.

- F. The Project Supervisor shall be deemed to be a professional employee and will be accreted to the Chicopee Professional Municipal Employees Association (CPMEA).
- G. Essential Duties and Responsibilities: This is a professional environmental engineering and administrative position with oversight of municipal; Public Utilities project/management efforts. Duties include project oversight for NPDES, compliance projects, Phase II Storm water projects, Flood Control project/management efforts, EPA/CSO consent decree projects as well as any and all other projects as so directed by the DPW Superintendent. Considerable amount of information gathering plan/specification review, public contact, and timely report writing is essential.

The salary for this position is to come from sewer funds.

Committee vote: 5 – 0 favorable.

ITEM #6

BE IT ORDAINED by the City Council that the Code of the City of Chicopee for the Year 1991, as amended, be and is hereby further amended as follows:

ADD: The Following 260-22

260-22 PARKING PROHIBITED

No vehicles except passenger vehicles and small trucks may park on public streets where parking is permitted for more than (24) hours.

The councilor's will be submitting different language for a first reading.

Committee vote 5 – 0 unfavorable.

ITEM #7

ORDERED THAT Rule #29 of the City Council be suspended in order to carry over any unfinished business in the Ordinance Committee to the 2010 Ordinance Committee.

Committee vote 5 – 0 favorable.

ITEM #8

BE IT ORDAINED by the Board of Aldermen that the Code of the City of Chicopee for the Year 1991, as amended, be and hereby is further amended as follows:

Delete Chapter 122-2 A

And insert in place thereof

Chapter 122-2A

A. Filing Fees:

Filing fees shall be waived for agencies of the City of Chicopee including the Chicopee Housing Authority and private elementary schools. Filing fees shall also be waived for any handicapped ramp built to a residential unit, which is used strictly for residential purposes.

Filing fees for non-profit organizations shall be waived. The non-profit organization shall provide documentation as required by the City Clerk which it deems necessary to certify the status of the applicant as a non profit organization.

Motion made to remove from the table. Motion passed.

Committee vote 5 – 0 unfavorable.

ITEM # 9

IVY STREET

Northeast direction starting at 39 Ivy Street near pole 4 and ending at 102 Penn Street near front walk after hydrant

NO PARKING BETWEEN SIGNS

Committee vote: 5 – 0 favorable

ITEM #10

Minutes – November 10, 2009

Motion made to accept. Motion passed.

Meeting adjourned at 7:46 PM.